

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

12-cr-87-bbc

CHRISTIAN PETERSON,

Defendant.

ORDER MODIFYING RESTITUTION

Before the court is a motion to modify restitution filed by Greenwoods State Bank, the successor victim in interest in this matter.

Greenwoods has reached a settlement with defendant that is consistent with its motion to modify defendant's restitution judgment, and with the court's December 28, 2018 Order. At all relevant times, Greenwood has been represented by counsel.

Both the court and the United States Attorney's Office have advised Greenwoods that it is entitled to the full amount of defendant's restitution judgment. Nevertheless, Greenwoods is seeking an order from the court approving a settlement for less than the full amount of restitution.

The proposed settlement provides that the father of defendant Christian Peterson will continue to make payments on the \$176,155.86 promissory note currently in place, written as a loan directly to Greenwoods. It provides also that defendant will pay Greenwoods \$75,000.00 at the signing of the settlement. (In fact, defendant has already

made this payment to Greenwoods.) The settlement also includes a three-year loan to defendant from Greenwoods for \$125,000.00 that carries a ten-year amortization, and is co-signed by defendant's parents.

The settlement provides funds to Greenwoods that it cannot currently recover through a restitution enforcement action because defendant lacks sufficient income and assets to pay either the \$75,000.00 lump sum payment or a \$125,000.00 loan without the assistance of his family. Greenwoods does not want to wait to collect a higher amount of restitution over a longer period of time.

The court has been advised that the United States cannot recommend the settlement to the victim or to the court. Moreover, the United States is not aware of any specific legal authority to support an amendment to the criminal restitution order at this stage of the case. However, the court understands that the United States will not object to the victim's motion because the victim is a sophisticated financial institution represented by counsel and because the United States cannot guarantee it could recover as much money as the victim will receive through the settlement agreement.

Greenwoods has provided documentation to the United States showing that the defendant has met all provisions of the settlement agreement.

Accordingly, IT IS ORDERED that the motion of Greenwoods State Bank to modify the restitution order is GRANTED. Defendant's restitution judgment is amended to \$376,155.86 and the modified restitution judgment has been satisfied by defendant pursuant to the terms of the settlement agreement.

FURTHER IT IS ORDERED that any liens previously filed in connection with the restitution obligation are to be released by the United States.

Entered this 1st day of February, 2019.

Barbara B Crabb
BARBARA B CRABB
United States District Judge